

PCF
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DT14 Rec'd PTO 25 AUG 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) ATTY'S DKT: HALID=1
Michael HALID et al.)
I.A. : PCT/CH00/00354)
Appln. No.: 09/786,131)
I.A. Filed: June 30, 2000)
Deposited in PTO: March 1, 2001) Washington, D.C.
For: PROTECTIVE UNDERPANTS) August 25, 2003
AND METHOD FOR PRODUCING...) Attn: PETITIONS

**REQUEST TO VACATE
NOTIFICATION OF DEFECTIVE RESPONSE**

Honorable Commissioner of Patents
Washington D.C. 20231

Sir:

Applicant is in receipt of the Notification of Defective Response, mailed July 23, 2003, which indicates that pages 5 and 6 were not provided with the English translation of the application. It is respectfully submitted that pages 5 and 6 were filed with the translation on June 17, 2003, as a response to Notice to File Missing Requirements mailed January 17, 2003.

Moreover, and perhaps more importantly, pages (or sheets) 5 and 6 were part of the PCT application forwarded to the PTO from the International Bureau and thus were already in the possession of the PTO, and the figures on these sheets need no translation.

As it appears that the drawing pages 5 and 6 were somehow separated from the file after receipt by the PTO, a copy of these pages is attached herewith.

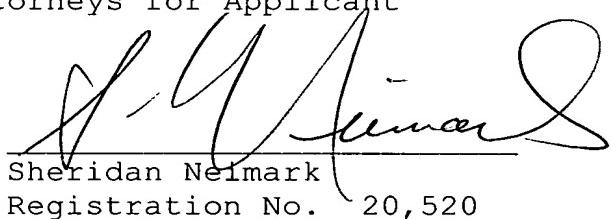
In view of the fact that the drawings were forwarded as part of the application by WIPO, it is clear that the presently missing pages were originally filed.

However, if this Request is denied, applicants ask that the attached Provisional Reply to the Notification of Missing Parts be accepted and entered.

It is respectfully requested that any deficiency in fees be charged to the deposit account of the undersigned (02-4035).

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By



Sheridan Neimark
Registration No. 20,520

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty's Docket: HALID=1

In re Application of:) Confirmation No. 8053
Michael HALID)
Application No.: 09/786,131) Application Division
IA Filing Date: June 30, 2000) Washington, D.C.
For: PROTECTIVE UNDERPANTS AND) August 25, 2003
METHOD FOR PRODUCING THE SAME...)

PROVISIONAL SUBMISSION OF MISSING DRAWING SHEETS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The present communication is in response to the "NOTIFICATION OF DEFECTIVE RESPONSE" dated July 23, 2003.

Attached hereto as required by the Notice is/are:

substitute drawing sheets (Figures _____) in compliance with 37 C.F.R. §1.84.
 New pages 5 and 6 which contain drawings.

Also attached hereto is/are:

Preliminary Amendment
 An Information Disclosure Statement with Form SB/08A and _____ references.
 Other documents: _____

Applicant claims small entity status. See 37 C.F.R. §1.27.

It is hereby petitioned for an extension of time in accordance with 37 C.F.R. §1.136(a). The appropriate fee required by 37 C.F.R. §1.17 is calculated as shown below:

Small Entity	Other Than Small Entity
Response Filed Within	Response Filed Within
<input type="checkbox"/> First - \$ 55.00	<input type="checkbox"/> First - \$ 110.00
<input type="checkbox"/> Second - \$200.00	<input type="checkbox"/> Second - \$ 400.00
<input type="checkbox"/> Third - \$460.00	<input type="checkbox"/> Third - \$ 920.00
<input type="checkbox"/> Fourth - \$720.00	<input type="checkbox"/> Fourth - \$1440.00

month after time period set

Small Entity	Other Than Small Entity
Response Filed Within	Response Filed Within
<input type="checkbox"/> First - \$ 55.00	<input type="checkbox"/> First - \$ 110.00
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<input type="checkbox"/> Third - \$460.00	<input type="checkbox"/> Third - \$ 920.00
<input type="checkbox"/> Fourth - \$720.00	<input type="checkbox"/> Fourth - \$1440.00

month after time period set

Conditional Petition for Extension of Time:

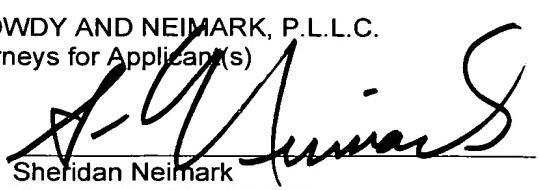
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

Credit Card Payment Form, PTO-2038, authorizing payment the amount of _____ is enclosed to cover the above fees.

The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

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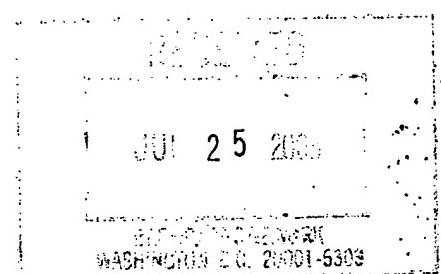
UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/786,131	Michael Halid	HALID 1

Browdy and Neimark
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Suite 300
Washington, DC 20001



Date Mailed: 07/23/2003

INTERNATIONAL APPLICATION NO.

PCT/CH00/00354

I.A. FILING DATE	PRIORITY DATE
06/30/2000	07/01/1999

CONFIRMATION NO. 8053

371.FORMALITIES LETTER



OC000000010538447

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 03/01/2001
- English Translation of the IA filed on 06/17/2003
- Copy of the International Search Report filed on 03/01/2001
- Information Disclosure Statements filed on 06/17/2003
- Oath or Declaration filed on 06/17/2003
- Copy of references cited in ISR filed on 03/01/2001
- U.S. Basic National Fees filed on 03/01/2001

MSPN/Next - 23 Jul 2003

TKL - 16 Aug 2003

Applicant's response filed 06/17/2003 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 01/17/2003 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - missing pages 5 and 6 of the drawings

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

TAMALA D HOLLAND

Telephone: (703) 305-5483

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/786,131	PCT/CH00/00354	HALID 1

FORM PCT/DO/EO/916 (371 Formalities Notice)